IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.21118 of 2006

Dated: June 12, 2007

Between:

Janipireddy Subba Rao, S/o. Surya Rao,
Aged 52 years, Occ: Secretary, A. Vemavaram
PACS, Amalapuram Mandal, East Godavari
District.

… Petitioner

And

The Deputy Registrar of Cooperative Societies,
Amalapuram, East Godavari District, and another.

… Respondents

Order:

Though interlocutory applications have been listed for hearing, the Writ Petition itself is being disposed of in view of the subsequent events.

2. Petitioner, who was working as Paid-Secretary in the second respondent – Primary Agricultural Cooperative Society, has questioned the order dated 12-12-2005 issued by the second

respondent, suspending him from service pending enquiry. He also seeks to declare the action of the second respondent in not paying subsistence allowance to him as arbitrary and illegal.

3. This court, while admitting the Writ Petition, by order dated 11-10-2006, in W.P.M.P.No.26777 of 2006 directed the respondents to pay subsistence allowance to the petitioner pending further orders.

4. Learned counsel for the petitioner contends that though subsequently final orders were passed, however, during the period in which the petitioner was placed under suspension, he was not paid subsistence allowance as per the applicable rules. He submits that the last-drawn salary of the petitioner was Rs.7,000/- and hence, petitioner is entitled to be paid an amount of Rs.3,500/- towards subsistence allowance.

5. Respondents have filed counter affidavit stating that as the Society was incurring losses and in view of the instructions issued by the District Cooperative Officer, Kakinada, in Circular Rc.No.6540/2003-A, dated 19-12-2005, directing to pay salaries in accordance with Section 116-C of the A.P. Cooperative Societies Act, 1964, salary of the petitioner was reduced to Rs.3,000/-. It is further stated that petitioner is entitled to subsistence allowance of Rs.1,500/- per month, i.e. half of the amount of Rs.3,000/.

6. Though it is the case of the petitioner that no proceedings were issued revising his salary, however, the same cannot be gone into in this Writ Petition. It is brought to my notice by learned counsel for the parties that subsequent to filing this Writ Petition, in view of passing of final orders in the disciplinary proceedings, petitioner also filed W.P.No.2949 of 2007 questioning the said final orders. The validity of

the proceedings by which salary of the petitioner was revised cannot be tested in this Writ Petition. As much as it is stated that subsistence allowance has not been paid to the petitioner, I dispose of the Writ Petition directing the respondents to pay subsistence allowance to him at the rate of Rs.1,500/- per month, if not already paid, for the period for which he was under suspension. So far as the validity of revision of salary is concerned, petitioner is at liberty to avail remedies open under law.

7. The Writ Petition is disposed of with the above directions. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

June 12, 2007
MRR